

**Notice of Allowability**

Application No.

10/037,832

Applicant(s)

SNYDER ET AL.

Examiner

Art Unit

Carlos Ortiz-Rodriguez

2125

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/26/05.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |

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**DETAILED ACTION**

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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2. The claims submitted *01/03/2002* have been amended as follows:

**Claim 1 (with markings to show changes)**

1. A computer implemented method for determining a paint formulation for producing a paint characterized by desired color coordinates in a three-dimensional color space and desired durability characteristics from a set of known constituents, said method comprising:

providing a plurality of color coordinates, each of the color coordinates corresponding to paint formulations having respective diverse apportionments of the known constituents;

providing durability data related to durability characteristics exhibited by the paint formulations having the respective diverse apportionments of the known constituents;

performing regression analysis of the color coordinates and the diverse apportionments of the known constituents to establish a set of ~~interdependent~~ equations ~~having-relating~~ first variables corresponding to the known constituents and second variables corresponding to the color coordinates;

providing desired coordinates and constraints of a desired color; and

recursively solving the ~~said~~ set of ~~interdependent~~ equations for values of the first variables ~~which substantially equate~~ that will obtain values for the second variables ~~to color-coordinates substantially near to the desired color-coordinates~~ wherein the values of the first variable are constrained by the durability data related to the durability characteristics exhibited by the paint formulations.

**Claim 4 (with markings to show changes)**

4. A computer implemented method of determining a paint formulation for producing a paint characterized by desired color coordinates in a three-dimensional color space from a set of known constituents, the method comprising; providing a plurality of paint samples, each paint sample characterized by respective diverse constituent apportionment data; providing respective color coordinate data defining, for each paint sample, color position in a three dimensional color space; providing durability data related to the durability characteristics exhibited by each of the paint samples; relating the constituent apportionment data to the color coordinate data to derive a formulation model characterized by correlation of the known constituents to color attributes defining color positions in the three dimensional color space, each color position further defined by the durability characteristics exhibited by its respective paint sample; applying the color coordinate data and the durability data to a select paint color in the three dimensional color space to determine constituent apportionments corresponding to the select paint color.

***Reasons For Allowance***

3. Claims 1-6 are allowed.
4. The following is a statement of reasons for allowance:  
  
Applicant's claimed invention is deemed allowable over the prior art of record as

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the prior art fails to teach or suggest a computer implemented method for determining a paint formulation for producing a paint characterized by desired color coordinates in a three-dimensional color space and desired durability characteristics from a set of known constituents.

### *Conclusion*

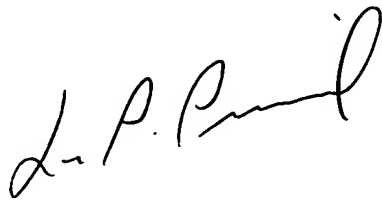
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Ortiz-Rodriguez whose telephone number is (571) 272-3747. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The central official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the general information number at 800-786-9199.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**LEO PICARD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

Carlos Ortiz-Rodriguez

Patent Examiner

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cror

November 11, 2005